

House File 91 - Introduced

HOUSE FILE 91
BY HEDDENS, HEATON, and
PRICHARD

A BILL FOR

1 An Act relating to the appointment of mental health advocates.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229.19, subsection 1, paragraphs a and b,
2 Code 2015, are amended to read as follows:

3 a. In each county, ~~with a population of three hundred~~
4 ~~thousand or more inhabitants~~ the board of supervisors shall
5 appoint an individual who has demonstrated by prior activities
6 an informed concern for the welfare and rehabilitation of
7 persons with mental illness, and who is not an officer or
8 employee of the department of human services nor of any agency
9 or facility providing care or treatment to persons with mental
10 illness, to act as an advocate representing the interests of
11 patients involuntarily hospitalized by the court, in any matter
12 relating to the patients' hospitalization or treatment under
13 section 229.14 or 229.15. ~~In each county with a population of~~
14 ~~under three hundred thousand inhabitants, the chief judge of~~
15 ~~the judicial district encompassing the county shall appoint the~~
16 ~~advocate.~~

17 b. ~~The court or, if the advocate is appointed by the county~~
18 ~~board of supervisors, the board shall assign the advocate~~
19 appointed from a patient's county of residence to represent
20 the interests of the patient. If a patient has no county of
21 residence ~~or the patient is a state case, the court or, if the~~
22 ~~advocate is appointed by the county board of supervisors, the~~
23 board shall assign the advocate appointed from the county where
24 the hospital or facility is located to represent the interests
25 of the patient.

26 Sec. 2. Section 229.19, subsection 3, Code 2015, is amended
27 to read as follows:

28 3. ~~The court or, if the advocate is appointed by the~~
29 ~~county board of supervisors, the board shall prescribe~~
30 reasonable compensation for the services of the advocate. The
31 compensation shall be based upon ~~the reports filed by the~~
32 advocate with the court the duties performed by the advocate
33 and in accordance with the personnel policies set forth by
34 the board for county employees. The advocate's compensation
35 shall be paid by the county in which the court is located,

~~1 either on order of the court or, if the advocate is appointed~~
~~2 by the county board of supervisors, on the direction of the~~
~~3 board. If the advocate is appointed by the court, the advocate~~
~~4 is an employee of the state for purposes of chapter 669. If~~
~~5 the advocate is appointed by the county board of supervisors,~~
 6 the The advocate is an employee of the county for purposes
 7 of chapter 670. If the patient or the person who is legally
 8 liable for the patient's support is not indigent, the board
 9 shall recover the costs of compensating the advocate from that
 10 person. If that person has an income level as determined
 11 pursuant to section 815.9 greater than one hundred percent
 12 but not more than one hundred fifty percent of the poverty
 13 guidelines, at least one hundred dollars of the advocate's
 14 compensation shall be recovered in the manner prescribed by
 15 the county board of supervisors. If that person has an income
 16 level as determined pursuant to section 815.9 greater than
 17 one hundred fifty percent of the poverty guidelines, at least
 18 two hundred dollars of the advocate's compensation shall be
 19 recovered in substantially the same manner prescribed by the
 20 county board of supervisors as provided in section 815.9.

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
 23 the explanation's substance by the members of the general assembly.

24 This bill relates to the appointment of mental health
 25 advocates.

26 Under current law, the appointment of a mental health
 27 advocate to represent the interests of a person involuntarily
 28 hospitalized under Code chapter 229 is made by either the
 29 county board of supervisors in a patient's county of residence
 30 if the county has a population of 300,000 or more, or by the
 31 chief judge of the judicial district if the patient's county
 32 of residence has a population under 300,000. A mental health
 33 advocate is paid by either the state or the appropriate county.

34 The bill amends this current law to eliminate court
 35 appointments of mental health advocates and specifies that

1 all mental health advocate appointments shall be made by the
2 county board of supervisors in a patient's county of residence.
3 If a patient has no county of residence, the county board
4 of supervisors is directed to appoint an advocate from the
5 county where the patient's hospital or facility is located to
6 represent the patient's interests. Under the bill, the mental
7 health advocate in each county will be paid by the appropriate
8 county and considered to be an employee of the county for
9 purposes of Code chapter 670.